

REMARKS

This Amendment is being filed in response to the Office Action mailed on April 11, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-10 are pending in the Application. Claim 3 is canceled without prejudice. The Applicants respectfully reserve the right to reintroduce subject matter deleted herein, either at a later time during the prosecution of this application or any continuing applications.

By means of the present amendment, the current Abstract is deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

By means of the present amendment, claims 1-2 and 4-10 are amended for non-statutory reasons, such as for better form including beginning the independent claims with 'A', beginning the dependent claims with 'The', and deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Such amendments to claims 1-2 and 4-10 are not made in order to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, claims 1-7, 9 and 10 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,732,062 ("Yokoi") in view of non-patent Literature ("Sony/Philips"). Further, claim 8 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable

over Yokoi in view of Sony/Philips and further in view of U.S. Patent No. 6,515,949 ("Masaki"). It is respectfully submitted that claims 1-2 and 4-10 are allowable over the cited art of record for the following reasons.

For instance, claim 1 is not made obvious by the combination of Yokoi and Sony/Philips because the combination Yokoi and Sony/Philips does not disclose or suggest a method that amongst other patentable elements, comprises (illustrative emphasis added) "wherein a last pulse in the sequence of pulses for writing an odd mark has a period $\Delta 1p$ longer than a last pulse in the sequence of pulses for writing an even mark, wherein a gap preceding the last pulse in the sequence of pulses for writing an odd mark has a period $\Delta 1g$ longer than a gap preceding the last pulse in the sequence of pulses for writing an even mark, wherein the periods $\Delta 1g$ and $\Delta 1p$ have an unequal duration" as recited in claim 1, and as similarly claimed in independent claims 7 and 8.

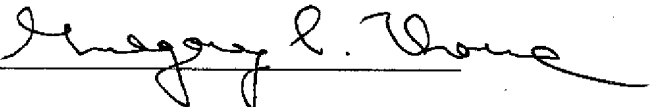
In particular, the Office Action expressly acknowledges (on pages 2-3) essentially that Yokoi does not teach or suggest a last pulse in the sequence of pulses for writing an odd mark has a period $\Delta 1p$ longer than a last pulse in the sequence of pulses for writing an even mark, wherein a gap preceding the last pulse in the sequence of pulses for writing an odd mark has a period $\Delta 1g$ longer than a gap preceding the last pulse in the sequence of pulses for writing an even mark. Moreover, as stated on page 4, lines 15-19 of Applicants' specification, Sony/Philips teaches that the periods $\Delta 1g$ and $\Delta 1p$ as have an equal duration (denoted by $\Delta 1$). Thus, claim 1 is not made obvious by the combination of Yokoi and Sony/Philips.

Based on the foregoing, the Applicants respectfully submit that independent claims 1, 7 and 8 are patentable over Yokoi and Sony/Philips and Masaki, and notice to this effect is earnestly solicited. Claims 2, 4-6, and 9-10 respectively depend from one of claims 1 and 8 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded. Moreover, Applicants do not concede that any of the cited references, and in particular, Sony/Philips, are prior art references against the present application. It is respectfully submitted that the claims are amended in the interest of furthering the prosecution and expediting consideration and allowance of the present application.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
July 10, 2008

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101